

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)

JONATHAN S. STAMLER)

Patent Application No. 09/757,610)

Filed: January 11, 2001)

For: INHIBITING GS-FDH TO MODULATE)
NO BIOACTIVITY)

Group Art Unit: 1654

Examiner: R.R. Teller

RESPONSE

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the office action of

Please consider the following remarks.

Remarks

Claims 8-14 remain in the case.

There is a single rejection, namely Claims 8-14 are rejected under 35 U.S.C. 112, first paragraph, on the basis that enablement is not provided for killing or reducing the growth of pathologically proliferating mammalian cells *in vivo*. Reliance is placed on Dermer, G.B., Biotechnology 12, 326 (3/94) which takes the general position that cell line data is not sufficient to show *in vivo* utility.

Reconsideration is requested.

Firstly, the words of the rejection do not embrace Claim 9 since Claim 9 is not addressed to pathologically proliferating mammalian cells. Therefore, Claim 9 is clearly allowable.

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